

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Petition for Summons for Person Under Supervision

Person Under Supervision

Subhash Jay

Docket Number

0971 3:17CR00176-001 CRB

Name of Sentencing Judge: The Honorable Charles R. Breyer
Senior United States District Judge

Date of Original Sentence: September 5, 2018

Original Offense: Count Five: Filing False Tax Return, 26 U.S.C. §7206(1), a class D felony.
Count Eleven: Operating an Unlicensed Money Transmitting Business, 18 U.S.C. §1960, a class D felony.

Original Sentence: 30 months imprisonment followed by 3-year probation term.

Special Conditions: \$200 special assessment; \$409,871 restitution; financial disclosure; no fiduciary employment; no new credit or debt; report and follow U.S. Immigration and Custom Enforcement; not participate in the preparation or filing of tax return for any individual.

Prior Form(s) 12: On July 7, 2021, Your Honor took judicial notice of Mr. Jay's inconsistent monthly payments.

Type of Supervision

Supervised Release

Date Supervision Commenced

June 11, 2020

Assistant U.S. Attorney

Michael Pitman

Defense Counsel

Brian Getz (Retained)

Petitioning the Court

The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on June 30, 2022, at 10:30AM.

I, Razan Ghishan, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or

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documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

Charge One

There is probable cause to believe that the person under supervision violated standard condition that states in part, that Mr. Jay must follow instruction of the probation officer related to conditions of supervision.

On February 4, 2022, Mr. Jay was instructed to make a restitution payment at the San Francisco Clerk's Office; however, he failed to make a payment.

On February 21, 2022, and May 3, 2022, the undersigned attempted to contact Mr. Jay to discuss a payment plan. Voicemail messages were left requesting a call back; however, he failed to return the calls.

On May 26, 2022, the undersigned emailed Mr. Jay financial documents with instructions to return the completed documents by June 1, 2022; however, he failed to return any documents.

On June 2, 2022, the undersigned attempted to contact Mr. Jay to discuss a payment plan. A voicemail message was left requesting an immediate call back. The undersigned made telephone contact with Mr. Jay's wife, Devyani Jay, she was advised of the several attempts to reach Mr. Jay, and the instructions to complete financial documents without success. She agreed to relay the message to Mr. Jay.

On June 3, 2022, during a telephone call, Mr. Jay was instructed to complete financial documents and email them to the undersigned by June 5, 2022; however, he failed to do so.

On June 6, 2022, the undersigned made telephone contact with Mr. Jay to inquire about his failure to submit financial documents. Mr. Jay reported he had family over and could not find the time to complete the documents. Mr. Jay was instructed to provide completed documents no later than June 6, 2022, however, to date Mr. Jay has failed to return financial documents as instructed.

Evidence to support this charge is contained in the Probation Office's chronological notes dated February 4, 2022, February 21, 2022, May 3, 2022, May 26, 2022, June 2, 2022, June 3, 2022, and June 6, 2022.

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Charge Two There is probable cause to believe that the person under supervision violated the special condition which states, in part, that Mr. Jay must pay any restitution that is outstanding at the commencement of supervised release.

Mr. Jay's supervised release commenced on release on June 11, 2020. Mr. Jay has an outstanding restitution balance of \$306,276.79, as \$103,594.21 has been collected. Mr. Jay has not been consistent in submitting monthly payments and has not submitted a single payment in the amount ordered by the Court. His last payment made toward his restitution balance was on December 14, 2021, with only four payments made toward restitution since his supervision commenced, two of which were due to the Treasury Offset Program.

Evidence to support this charge is contained in the Offender Payment Enhanced Report Access (OPERA).

Charge Three There is probable cause to believe that the person under supervision violated the standard condition which states, in part, that Mr. Jay must provide access to any financial information.

On May 26, 2022, the undersigned instructed Mr. Jay to complete financial documents that were provided to him and submit them to the Probation Office with supporting documentation by June 1, 2022; however, to date, the requested financial and supporting documents have not been received.

Evidence in support of this charge can be contained in the Probation Offices chronological notes dated May 9, May 25, and May 26, 2022.

Based on the foregoing, there is probable cause to believe that Subhash Jay violated the conditions of his Supervised Release.

Respectfully submitted,

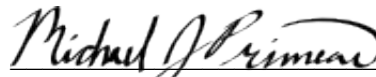
Reviewed by:



Razan Ghishan

U.S. Probation Officer

Date Signed: June 8, 2022



Michael J. Primeau

Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on June 30, 2022, at 10:30AM.

☐ Other:

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Senior United States District Judge

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APPENDIX

Grade of Violations: C

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	Count Five: One year Count Eleven: Two years 18 U.S.C. § 3583(e)(3)	3 – 9 months USSG § 7B1.4
Supervised Release:	Count Five: One year minus any custody Count Eleven: Three years minus any custody 18 U.S.C. § 3583(h)	Count Five: One year minus any custody Count Eleven: Three years minus any custody USSG § 7B1.3
Probation:	Not Authorized	Not Applicable